

UNITED STATES BANKRUPTCY COURT
for the Eastern District of Pennsylvania

In re	:	Case No. 13 - 17039
Mohammad Amin	:	(Chapter 7)
Debtor.	:	
	:	Hon. Eric L. Frank
	:	

Defendant's Response to Creditor's Motion for Leave

AND NOW, comes Debtor, Mohammad Amin, by and through his attorney, Ronald G. McNeil, Esquire, hereby responds to Creditor's, Klehr Harrison Harvey Branzburg, LLP ("KHHB"), Motion for Leave to File Late Proof of Claim, and, as reasons therefor, states as follows:

JURISDICTION

1 - 3. Admitted.

BACKGROUND

4 - 6. Admitted.

7 - 9. Debtor admits in part and denies in part the allegations of paragraphs seven (7) through nine (9). Notwithstanding this denial, Debtor states that KHHB has filed this claim late and is attempting to file a duplicate claim with that of P.O.C. # 4. In addition, the basis of both claims may have been satisfied.

10. Debtor is without sufficient information to response to the allegations of paragraph ten (10) and therefore would deny the same. In addition, KHHB should have been aware when Darwin R. Beauvais, Esquire became aware.

11. Debtor denies the allegations of paragraph eleven (11) for the same reasons stated in responses seven (7) through nine (9).

RELIEF REQUESTED

12. Debtor requests that this Court denies claim as untimely and as duplicative of P.O.C. # 4.

BASIS FOR RELIEF

- 13-16. Debtor denies the allegations of paragraphs thirteen (13) through sixteen (16). Notwithstanding this denial, Debtor states that the possibilities for enlargement of this deadline is limited by Rule 3003(c)(3), for which KHHB does not meet these exceptions.

I. There is no prejudice to the Debtor's Estate

- 17-19. Debtor denies the allegations of paragraphs seventeen (17) through nineteen (19). Notwithstanding this denial, Debtor states that there is prejudice, because this claim is a duplicate of P.O.C. # 4 and may have been satisfied.

II. KHHB's Delay in Filing this Motion is Justifiable

- 20-21. Debtor denies the allegations of paragraphs twenty (20) and twenty-one (21). Notwithstanding this denial, Debtor states that this delay is not justifiable, because KHHB's agent, Darwin R. Beauvais, Esquire, was aware this deadline.

III. Reason for Delay

22. Debtor denies the allegations of paragraph twenty-two (22). Notwithstanding this denial, Debtor states that this delay is unreasonable for the same reason stated in responses twenty (20) and twenty-one (21).

IV. Good Faith

23. Debtor denies the allegations of paragraph twenty-three (23). Notwithstanding this denial, Debtor states that good faith is nonexistent for the same reason stated in responses twenty (20) and twenty-one (21).

Conclusion

24. Debtor denies the allegations of paragraph twenty-four (24). Notwithstanding this denial, Debtor states that this request be denied for the before-mentioned reasons.

Advance Notice to the Chapter 7 Trustee's Counsel

25. Debtor is without sufficient information to response to the allegations of paragraph twenty-five (25) and therefore would deny the same.

WHEREFORE, Debtor respectfully requests that this Honorable Court enter an Order denying creditor's motion for leave to file late proof of claim.

Respectfully submitted,

/s/ Ronald G. McNeil
Ronald G. McNeil, Esquire
Attorney for Debtor
DATE: April 22, 2014
1333 Race Street
Philadelphia, PA 19107-1585
(215) 564 - 3999 (t)
(215) 564 - 3537 (fx)
r.mcneil1@verizon.net